

SEVENTH ANNUAL STATEWIDE ETHICS SYMPOSIUM

Specialized Ethics for Specialized Practices?

8:30 am – 9:30 am – REGISTRATION

9:30 am – 9:45 am

WELCOMING REMARKS

Speakers: **Kevin Mohr**: Chair, Committee on Professional Responsibility and Conduct
Sean SeLegue: Vice Chair, Committee on Professional Responsibility and Conduct

9:45 am – 11:15 am

PRIVILEGE AND CONFIDENTIALITY IN THE FEDERAL ARENA – RECENT DEVELOPMENTS & POLICY IMPLICATIONS

The federal government is increasingly entering the business of lawyer regulation, most recently and dramatically with the Sarbanes-Oxley Act and related SEC regulations. This panel will explore the new challenges to confidentiality in the federal arena, including the Department of Justice's stance toward privilege waiver in criminal prosecutions, and whether the general principle of having one set of ethics rules for all lawyers retains its influence.

Speakers: **John Steele (Moderator)**: Shareholder, Rogers Joseph O'Donnell & Phillips
Jackie Chooljian: Criminal Chief and Professional Responsibility Officer, U.S. Attorney's Office, Central District
Gary Williams: Professor of Law, Loyola Law School; Board of Directors, Vice President, American Civil Liberties Union of Southern California

11:30 am – 12:30 pm

CRIMINAL LAW PRACTICE BREAKOUT – TRYING YOUR CASE TO THE PRESS?

The appropriate scope of trial publicity remains controversial in criminal cases. This panel explores the tension between fair trials and free speech, addressing the ethical and constitutional implications of trial publicity, and considering whether current ethical rules can be refined to better balance the interests involved.

Speakers: **Ariadne Symons (Moderator)**: Chief Deputy, Head of Trial Operations, Santa Cruz District Attorney's Office; Member, Committee on Professional Responsibility and Conduct
Wendy Patrick: Deputy District Attorney, San Diego County
Charles Sevilla: Partner, Cleary & Sevilla LLP, San Diego
Harry Sondheim: Chair, State Bar's Commission for the Revision of the Rules of Professional Conduct; former Head Deputy District Attorney, Los Angeles District Attorney's Office

11:30 am – 12:30 pm

CIVIL LAW PRACTICE BREAKOUT – SPECIAL ETHICS ISSUES IN ALTERNATIVE DISPUTE RESOLUTION: AN ETHICS ROADMAP

The ABA's Ethics 2000 Commission declined to comprehensively chart the ethical considerations of lawyers serving as third party neutrals, and a California federal district court recently held that the Judicial Council's Ethics Standards for Neutral Arbitrators in Contractual Arbitration were preempted by federal law. With reference to this regulatory landscape, the panel will present some of the more compelling ethics issues that confront neutrals as well as lawyers whose clients participate in alternative dispute resolution, and discuss ways in which ADR participants should address those issues.

Speakers: **JoAnne Robbins (Moderator)**: Karpman & Associates; former Hearing Judge, State Bar Court; Member, Committee on Professional Responsibility and Conduct
Richard Chernick: Vice President and Managing Director, JAMS Arbitration Practice; Chair-elect, Dispute Resolution Section of the American Bar Association
Richard Davidoff: Partner, Davidoff & Davidoff; immediate past President, Dispute Resolution Services Inc.; and former Chair, Los Angeles County Bar Association Litigation Section
Hon. James Jackman: Arbitrator & Mediator, Judicate West; Judge (ret.), Superior Court, Orange County; Member, Executive Board, California Judges Association

12:30 pm – 1:30 pm – LUNCH

1:30 pm – 2:00 pm KEYNOTE ADDRESS: JAMES HERMAN, PRESIDENT, STATE BAR OF CALIFORNIA BOARD OF GOVERNORS

2:00 pm – 3:00 pm

ADVANCED TOPICS ON CONFLICTS OF INTEREST AND OTHER ETHICS ISSUES IN CLASS ACTION/MASS TORT LITIGATION

Are existing rules adequate to address ethics problems facing counsel, both plaintiff and defense, in class action/mass tort litigation? The panel will explore a myriad of issues, including conflicts of interest, financing the case, communicating with class members (both pre- and post-certification), the aggregate settlement rule, and confidentiality agreements.

Speakers: **Gerald Markle (Moderator)**: Partner, Pansky & Markle; Member, Committee on Professional Responsibility and Conduct
Sean SeLegue: Shareholder, Rogers Joseph O'Donnell & Phillips; Vice Chair, Committee on Professional Responsibility and Conduct
Robert Kehr: Partner, Kehr Schiff & Crane LLP; former Chair, Committee on Professional Responsibility and Conduct
Leonard Simon: Of counsel, Milberg Weiss Bershad Hynes & Lerach

3:15 pm - 4:30 pm

SPECIAL ISSUES IN FAMILY LAW, ELDER LAW AND ESTATE PLANNING

This expert panel will discuss issues that cross the practice spectrum but which have particular resonance for lawyers practicing in family law, elder law and estate planning, including conflicts of interest and waivers, limiting the scope of representation, and the ethics of accommodating a client with diminished capacity.

Speakers: **Kevin Mohr (Moderator)**: Professor, Western State University College of Law; Chair, Committee on Professional Responsibility and Conduct; Consultant, Commission for the Revision of the Rules of Professional Conduct
Fay Blix: Partner, Elder Law Center, Laguna Hills; past president, Southern California Chapter of the National Academy of Elder Law Attorneys
Judith Copeland: Partner, Copeland & Tierman, LLP; certified specialist in estate planning and probate law
Eleanor Stegmeier: Partner, Stegmeier and Gelbart, LLP; certified family law specialist; member, American Academy of Matrimonial Lawyers and American College of Trial Lawyers
Sindee Smolowitz: Shareholder, Sall & Smolowitz, APC; State Bar and Orange County Bar Fee Dispute Mediator and Arbitrator; former member, Committee on Professional Responsibility and Conduct

**The State Bar of California Committee on
Professional Responsibility and Conduct**
presents
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SATURDAY, JUNE 28, 2003
9:30 A.M. - 4:30 P.M.

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